

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Tsui	Team: Squad #15	CCRB Case #: 202003273	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/10/2020 9:50 PM, Sunday, 05/10/2020 10:00 PM	Location of Incident: Outside § 87(2)(b) in Brooklyn; PSA 2 Stationhouse in Brooklyn	Precinct: 75	18 Mo. SOL 11/10/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 05/10/2020 10:38 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/14/2020 12:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ibrahim Adam	20396	958214	PSA 2
2. POM Abir Noor	21625	959847	PSA 2
3. POM Eric Borbee	22871	962265	075 PCT
4. POM Matthew Dunne	14902	950357	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Yutaro Kotake	00452	959737	075 PCT
2. POM Luis Naranjo	29890	940499	075 PCT
3. SGT James Mcsherry	03934	942175	075 PCT
4. PO Shirley Rivas	01900	961169	HBK RT
5. PO Waqar Zafar	18717	959395	Q COURT

Officer(s)	Allegation	Investigator Recommendation
A.POM Abir Noor	Abuse: Police Officer Abir Noor threatened to arrest § 87(2)(b)	
B.POM Ibrahim Adam	Force: Police Officer Ibrahim Adam used physical force against § 87(2)(b)	
C.POM Abir Noor	Force: Police Officer Abir Noor used physical force against § 87(2)(b)	
D.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam sexually humiliated § 87(2)(b)	
E.POM Abir Noor	Abuse: Police Officer Abir Noor sexually humiliated § 87(2)(b)	
F.POM Abir Noor	Force: Police Officer Abir Noor used physical force against § 87(2)(b)	
G.POM Ibrahim Adam	Force: Police Officer Ibrahim Adam struck § 87(2)(b) with a nightstick/asp/baton.	
H.POM Abir Noor	Force: Police Officer Abir Noor struck § 87(2)(b) with a nightstick/asp/baton.	

Officer(s)	Allegation	Investigator Recommendation
I.POM Ibrahim Adam	Force: Police Officer Ibrahim Adam restricted § 87(2)(b) s breathing.	
J.POM Ibrahim Adam	Force: Police Officer Ibrahim Adam struck § 87(2)(b) with a nightstick/asp/baton.	
K.POM Abir Noor	Force: Police Officer Abir Noor used physical force against § 87(2)(b)	
L.POM Ibrahim Adam	Abuse: Police Officer Ibrahim Adam did not obtain medical treatment for § 87(2)(b)	
M.POM Abir Noor	Abuse: Police Officer Abir Noor did not obtain medical treatment for § 87(2)(b)	
N.POM Eric Borbee	Abuse: Police Officer Eric Borbee did not obtain medical treatment for § 87(2)(b)	
O.POM Matthew Dunne	Abuse: Police Officer Matthew Dunne did not obtain medical treatment for § 87(2)(b)	
P.POM Ibrahim Adam	Discourtesy: Police Officer Ibrahim Adam spoke discourteously to § 87(2)(b)	

## Case Summary

On May 10, 2020, § 87(2)(b) filed this complaint on the behalf of § 87(2)(b) and § 87(2)(b).

On May 10, 2020, at approximately 9:50 PM, § 87(2)(b) drove his § 87(2)(b) inside the courtyard footpath of the NYCHA complex located at § 87(2)(b) in Brooklyn. § 87(2)(b) sat in the front passenger seat, with no additional occupants. Police Officer Ibrahim Adam and Police Officer Abir Noor of PSA 2 stopped § 87(2)(b)'s vehicle with lights and sirens. The officers made their approach and PO Noor asked § 87(2)(b) for his ID for driving inside the courtyard. § 87(2)(b) presented his ID to PO Noor. The officers informed § 87(2)(b) that they observed him without a seatbelt in a moving vehicle. The officers asked § 87(2)(b) for his ID multiple times for the issuance of a summons, and each time, § 87(2)(b) refused. PO Adam opened the front passenger side door and PO Noor threatened to arrest § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Adam and PO Noor pulled § 87(2)(b) out of the vehicle by his jeans and on to the ground (**Allegation B: Force, § 87(2)(g)**, and **Allegation C: Force, § 87(2)(g)**). § 87(2)(b)'s jeans fell to his knees, exposing his buttocks and genital (**Allegation D: Abuse of Authority, § 87(2)(g)** and **Allegation E: Abuse of Authority, § 87(2)(g)**). At this time, Police Officer Shirley Rivas and Police Officer Waqar Zafar of the Housing Bureau Brooklyn Response Team responded to the location from their fixed post assignment nearby. § 87(2)(b) called § 87(2)(b) on § 87(2)(b)'s cellphone and told her to come to the location with his two children, § 87(2)(b) and § 87(2)(b). When § 87(2)(b) arrived with the children, § 87(2)(b) grabbed § 87(2)(b) and held her close to his body. PO Noor pushed at § 87(2)(b)'s chest (**Allegation F: Force, § 87(2)(g)**). PO Noor and PO Adam took out their asps and struck § 87(2)(b)'s back (**Allegation G: Force, § 87(2)(g)** and **Allegation H: Force, § 87(2)(g)**). PO Noor pulled the hood of § 87(2)(b)'s sweater behind him and restricted his breathing (**Allegation I: Force, § 87(2)(g)**). § 87(2)(b) dropped himself to the ground. At this time, Police Officer Eric Borbee, Police Officer Matthew Dunne and other officers from the 75 Precinct arrived. PO Adam allegedly struck § 87(2)(b)'s back with his asp (**Allegation J: Force, § 87(2)(g)**). PO Borbee and PO Dunne approached § 87(2)(b) on the ground. PO Adam, PO Noor, PO Borbee and PO Dunne attempted to place handcuffs on § 87(2)(b). § 87(2)(b) resisted officers by moving his body and refusing to put his hands behind his back. PO Noor allegedly stepped on § 87(2)(b)'s leg while restraining § 87(2)(b)'s legs (**Allegation K: Force, § 87(2)(g)**). § 87(2)(b) complained of difficulty breathing while on the ground. PO Noor and PO Adam did not obtain medical treatment for him (**Allegation L: Abuse of Authority, § 87(2)(g)** and **Allegation M: Abuse of Authority, § 87(2)(g)**). When officers handcuffed § 87(2)(b), PO Borbee and PO Dunne escorted him out of the courtyard and to the curb. § 87(2)(b) complained of difficulty breathing and requested to have an ambulance called for him. Neither PO Borbee nor PO Dunne provided § 87(2)(b) with medical attention. (**Allegation N: Abuse of Authority, § 87(2)(g)**, and **Allegation O: Abuse of § 87(2)(g)**). PO Borbee and PO Dunne escorted § 87(2)(b) to a PSA 2 patrol van for transport. At the PSA 2 station house, § 87(2)(b) was lodged inside a cell. PO Adam told § 87(2)(b) "It's funny how I whopped your ass in front of your daughter. I fucked you up with your daughter in your hands. I'm never going to forget that" (**Allegation P: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was issued a summons for driving inside the NYCHA courtyard and § 87(2)(b) was released after ten minutes in police custody with a disorderly conduct summons.

§ 87(2)(b) did not seek medical attention after the incident. § 87(2)(b) received medical treatment at § 87(2)(b) Hospital on the same night of the incident. § 87(2)(b) was given MRI scan and the doctors informed § 87(2)(b) that § 87(2)(b) had miniature fractures on her ankle. She was

prescribed a cast and instructed to attend physical therapy.

### **Findings and Recommendations**

**Allegation (A): Police Officer Abir Noor threatened to arrest** § 87(2)(b)

**Allegation (B): Police Officer Ibrahim Adam used physical force against** § 87(2)(b)

**Allegation (C): Police Officer Abir Noor used physical force against** § 87(2)(b)

**Allegation (E): Police Officer Ibrahim Adam sexually humiliated** § 87(2)(b)

**Allegation (F): Police Officer Abir Noor sexually humiliated** § 87(2)(b)

It is undisputed that § 87(2)(b) sat in the front passenger seat of § 87(2)(b) s § 87(2)(b) when he drove inside the courtyard of the NYCHA complex. PO Adam and PO Noor stopped the vehicle and requested the identification of § 87(2)(b) and § 87(2)(b). § 87(2)(b) refused to provide his identification and PO Adam and PO Noor pulled § 87(2)(b) out of the vehicle. It is disputed whether officers pulled § 87(2)(b) s jeans to his knees.

§ 87(2)(b) stated (Board Review 1) PO Adam and PO Noor pulled § 87(2)(b) over using lights and sirens. § 87(2)(b) removed his seatbelt while he waited for the officer's arrival. PO Adam approached § 87(2)(b) and PO Noor approached § 87(2)(b). PO Noor asked § 87(2)(b) for his license and registration. § 87(2)(b) provided the requested documents. PO Adam asked his for his ID. § 87(2)(b) asked PO Adam why. PO Adam did not reply and asked § 87(2)(b) for his ID again. PO Noor unlocked the vehicle from the driver side and PO Adam opened the front passenger side door and asked § 87(2)(b) for his ID. § 87(2)(b) refused again. After PO Adam opened the passenger side door; PO Noor came to his side. PO Adam asked for § 87(2)(b) s identification. § 87(2)(b) refused. PO Adam and PO Noor pulled § 87(2)(b) outward by his jeans. § 87(2)(b) held onto a handle and refused to exit. § 87(2)(b) s jeans dropped down to his knees and his t-shirt ripped as of result of the officers' pulling. § 87(2)(b) let go and allowed himself to be pulled to the ground. § 87(2)(b) sat with his buttocks bare on the pavement and his genitalia covered by his ripped t-shirt. § 87(2)(b) began to scream. It was not clear how § 87(2)(b) s t-shirt ripped. § 87(2)(b) told § 87(2)(b) to call § 87(2)(b). § 87(2)(b) yelled at the PO Adam and PO Noor and asked them why they pulled him out of the vehicle. § 87(2)(b) did not exit the vehicle.

§ 87(2)(b) could not be reached for a CCRB statement.

§ 87(2)(b) was not present for this part of the incident (Board Review 2).

Both PO Adam (Board Review 6) and PO Noor (Board Review 7) stated that they observed § 87(2)(b) s vehicle in motion in the courtyard of the NYCHA complex and that operating a vehicle inside in the courtyard was prohibited. At the same time, the officers also observed § 87(2)(b) in the front passenger seat without a seatbelt, another traffic violation. PO Adam and PO Noor approached the § 87(2)(b) s vehicle to issue § 87(2)(b) and § 87(2)(b) summonses.

PO Noor (Board Review 7) stated that he asked § 87(2)(b) for his identification multiple times and each time, he refused and cursed at him. PO Noor asked § 87(2)(b) to step out of the vehicle with the intention to place him under arrest for obstruction of governmental administration. At this time, the front passenger side door opened. PO Noor did not recall who opened it. PO Noor placed both hands on one of § 87(2)(b) s arms and asked him to step out. § 87(2)(b) dropped to the floor and refused to get up. PO Noor did not recall if he pulled § 87(2)(b) out of the vehicle or if he fell out on his own. § 87(2)(b) sat on the ground and refused to get up. PO Noor stated that § 87(2)(b) s jeans were not pulled down, and that his genital was not exposed at any time. PO Noor was presented with his BWC video footage (Board Review 3), at timestamp 3:14. In the video, § 87(2)(b)

§ 87(2)(b) screams “Please help!” multiple times. PO Noor did not know why § 87(2)(b) asked for help. PO Noor decided to not issue § 87(2)(b) a summons and to not arrest § 87(2)(b) after seeing him in distress.

PO Adam (Board Review 6) stated that after § 87(2)(b) rolled up the passenger window and locked the door, § 87(2)(b) unlocked it from the driver side. PO Adam opened the passenger door pulled on one of § 87(2)(b)'s arm. § 87(2)(b) repeatedly told PO Adam, “I’m getting out” but did not exit the vehicle. At one point, § 87(2)(b) dropped himself to the ground and refused to get up. § 87(2)(b) screamed for help. PO Adam did not know why § 87(2)(b) screamed for help. PO Adam did not recall himself or PO Noor pulling on § 87(2)(b)'s jeans or that § 87(2)(b)'s buttocks and buttocks was exposed to the ground. PO Adam did not recall if § 87(2)(b) complained about any injuries during the incident or if § 87(2)(b) had any apparent injuries. PO Adam and PO Noor went back to their patrol vehicle to write a summons, and at this time, had no intentions to arrest § 87(2)(b).

PO Rivas (Board Review 11) and PO Zafar’s (Board Review 20) CCRB statements were mostly consistent with PO Adam and PO Noor’s. The officers were assigned to a fixed post in a patrol vehicle in the vicinity of the NYCHA complex. The officers observed PO Adam and PO Noor conduct a vehicle stop and exited their vehicle to see if they needed backup. PO Rivas and PO Zafar approached PO Adam and PO Noor. PO Noor told PO Rivas that he and PO Adam were “alright”. PO Noor went back to his patrol vehicle to write a summons. When PO Noor returned to give § 87(2)(b) a summons, § 87(2)(b) sat on the ground. PO Rivas and PO Zafar did not know how § 87(2)(b) got on the ground. PO Rivas stated that § 87(2)(b) was fully clothed and did not know if his pants were removed at any time. PO Zafar did not remember how § 87(2)(b) was dressed or if he was fully clothed. PO Zafar did not remember if § 87(2)(b)'s buttocks or genital were exposed.

According to PO Noor’s BWC video footage (Board Review 3), at timestamp 0:47, PO Noor asks § 87(2)(b) for his ID. § 87(2)(b) tells PO Noor that he will not provide it. PO Noor tells § 87(2)(b) that he is not wearing a seatbelt. § 87(2)(b) tells PO Noor to write him a summons. PO Noor tells § 87(2)(b) that he will need his ID for that. At timestamp 0:56, PO Noor asks § 87(2)(b) for his driver’s license. He complies. At timestamp 2:22, PO Noor tells § 87(2)(b) his license is suspended. PO Noor asks § 87(2)(b) if he wanted, he wanted to get arrested with § 87(2)(b). At timestamp 2:36, PO Noor walks over to the passenger side and ask § 87(2)(b) to provide his ID for a summons. § 87(2)(b) refuses again. At timestamp 2:44, PO Noor reaches inside the vehicle and holds § 87(2)(b)'s right hand. § 87(2)(b) begins to exit the vehicle and then abruptly stops. § 87(2)(b) tells the officers that he is getting on his knees. At timestamp 3:07, § 87(2)(b) shuffles his leg while he sits on the ground. § 87(2)(b) says his underwear is being pull down. At timestamp 3:14, § 87(2)(b) repeatedly yells for help, and clutches the passenger door. PO Noor and PO Adam attempt to pick up § 87(2)(b) up. The BWC video shows § 87(2)(b)'s black jeans to be slightly sagging off his hips but neither his underwear, buttocks nor genital area is exposed to the ground.

According to PO Adam’s BWC video (Board Review 3), at timestamp 1:22, § 87(2)(b) tells PO Adam that he is calling § 87(2)(b) to bring his children to the location and that he “will put on a show”. At timestamp 01:34, PO Adam attempts to open the passenger side door. The door is locked. PO Adam instructs § 87(2)(b) and § 87(2)(b) to roll down the windows. At timestamp 01:40 § 87(2)(b) unlocks the vehicle doors and opens the driver side door. § 87(2)(b) remains seated at the driver seat. At timestamp 2:25, PO Adam asks § 87(2)(b) if he has an ID twice, and that he needs it for the issuance of a summons. § 87(2)(b) tells PO Adam yes but refuses to present his ID. At timestamp 2:38, PO Adam grabs on the front of § 87(2)(b)'s arm and instructs him to exit. § 87(2)(b) grabs onto the inside of the vehicle and refused to exit § 87(2)(b) yells for help and says that he is not resisting. § 87(2)(b) drops to his knees on the ground. At timestamp 03:34, § 87(2)(b)

§ 87(2)(b) takes a cellphone from § 87(2)(b) § 87(2)(b) says that PO Noor and PO Adam ripped his clothes off. § 87(2)(b) appeared to be fully clothed.

According to Vehicle Traffic Law Section 1229-c(3) (Board Review 28), no person shall operate a motor vehicle unless all front seat passengers wore a seatbelt, and that not wearing one is a summonable offense.

According to NYPD Patrol Guide Procedure 209-09 (Board Review 27), officers are to request an individual for a valid form of identification to issue them a summons and conduct a license and warrant check. If officers are unable to conduct the check, they are to remove the individual to the command for investigation of doubt concerning their identity exist.

According to NYPD Patrol Guide Procedure 221-01 (Board Review 14), officers are allowed to use force “to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available. The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

Not wearing a seatbelt in the front seat of a moving vehicle is a summonable offense according to VTL Section 1229-c(3) (Board Review 28). After § 87(2)(b)'s multiple refusals to provide identification to PO Adam and PO Noor for the purpose of the issuance of a summons in violation of VTL Section 1229-c(3), the officers had the authority to bring § 87(2)(b) to the PSA 2 station house to verify his identity, and to write him a summons there. The BWC video (Board Review 3) obtained showed PO Adam grabbing the front of § 87(2)(b)'s sweater and PO Noor grabbing § 87(2)(b)'s arms, while instructing him to exit the vehicle. § 87(2)(b) refused to exit and then voluntarily sat on the ground. The BWC video showed officers grabbing § 87(2)(b)'s sweater and arm briefly and not in a forceful manner and ended when § 87(2)(b) sat on the ground. § 87(2)(g)

The BWC video did not captured officers pulling down § 87(2)(b)'s jeans at any time. § 87(2)(b)'s jeans sat slightly off his hips, § 87(2)(g). Neither his buttocks nor genital were exposed at the time § 87(2)(b) alleged.

§ 87(2)(g)

**Allegation (F): Police Officer Abir Noor used physical force against § 87(2)(b).**

**Allegation (G): Police Officer Ibrahim Adam struck § 87(2)(b) with a asp.**

**Allegation (H): Police Officer Abir Noor struck § 87(2)(b) with a asp.**

It is undisputed that § 87(2)(b) called § 87(2)(b) and asked her to meet him in the courtyard with his two children, seven year old § 87(2)(b) and her younger sister, § 87(2)(b) § 87(2)(b)

§ 87(2)(b) stated (Board Review 1) when § 87(2)(b) arrived with § 87(2)(b) and § 87(2)(b) he was seated on the ground. § 87(2)(b) called § 87(2)(b) to come to him because he thought a child would deescalate the situation with PO Adam and PO Noor. § 87(2)(b) thought that if he held § 87(2)(b) maybe PO Adam and PO Noor would let him go and not charge him. § 87(2)(b) ran towards § 87(2)(b) and he stood up. § 87(2)(b) reached for § 87(2)(b) and at this time PO Noor stepped in between them. § 87(2)(b) put his arms out towards PO Noor but did not touch the officer.

§ 87(2)(b) place his hand towards PO Noor again and grabbed § 87(2)(b). PO Noor pushed § 87(2)(b) on his chest and § 87(2)(b) stumbled. § 87(2)(b) cursed at PO Noor. § 87(2)(b) held § 87(2)(b) close to his body and walked towards PO Noor. PO Adam and PO Noor pulled out their asp. PO Adam was behind § 87(2)(b) and he did not see him use his asp. § 87(2)(b) stated that PO Adam's hits felt less restrained. PO Adam and PO Noor struck § 87(2)(b) on different areas of his body but did not know if his head was struck. § 87(2)(b) sustained bruises on his back because of the strikes. § 87(2)(b) did not seek medical treatment as of result of the incident.

§ 87(2)(b) stated (Board Review 2) that when she arrived with § 87(2)(b) and § 87(2)(b) the incident appeared to have subsided. She observed PO Adam, PO Noor, PO Rivas, and PO Zafar standing approximately eight feet from § 87(2)(b). § 87(2)(b) was restrained and § 87(2)(b) went towards him. § 87(2)(b) reached out to hold § 87(2)(b)'s hand. At this time, PO Adam and PO Noor took out their batons. Either PO Adam or PO Noor swung his baton to taunt § 87(2)(b) but did not strike him at first. On the second time, PO Adam and PO Noor struck § 87(2)(b) on his shoulder and back. § 87(2)(b) attempted to approach § 87(2)(b). PO Rivas told § 87(2)(b) to back up.

PO Adam (Board Review 6) and PO Noor's (Board Review 7) statements were mostly consistent. Both officers stated that § 87(2)(b) arrived with § 87(2)(b) and § 87(2)(b) when PO Noor issued § 87(2)(b) a summons and told him and § 87(2)(b) that they were free to leave. At this time, § 87(2)(b) grabbed § 87(2)(b) and stood in front of PO Adam and PO Noor's patrol vehicle. § 87(2)(b) spat at PO Adam and PO Noor twice. § 87(2)(b) told the officers that they cannot leave, that he will make a scene. § 87(2)(b) held § 87(2)(b) with his left arm and pushed PO Adam and PO Noor with his right arm and spat at the officers. PO Adam estimated that he was pushed approximately two times by § 87(2)(b). PO Adam and PO Noor attempted to grab § 87(2)(b) for pushing and spitting on officers, and each time, § 87(2)(b) pushed the officers with one hand and held § 87(2)(b) up as a shield with his other hand. § 87(2)(b) shook § 87(2)(b) up and down and she cried throughout the encounter. PO Adam and PO Noor took out their asp as a means of self-defense but did not strike § 87(2)(b) because § 87(2)(b) used § 87(2)(b) as a human shield. § 87(2)(b) used his right arm to push PO Noor's left shoulder. PO Adam tapped § 87(2)(b)'s knees with his asp. PO Adam denied that officers struck § 87(2)(b) at his back or head with their asps. PO Adam and PO Noor intended to place § 87(2)(b) under arrest for obstruction of governmental administration, disorderly conduct, and harassment of police officers. PO Noor was presented with PO Adam's BWC video at timestamp 0:33. In the video, § 87(2)(b) thrust himself forward at PO Noor in a fighting stance multiple times. PO Noor stated that, § 87(2)(b) had already made physical contact with him prior to this part of the incident captured on BWC video. PO Noor stated that he stuck his hand out to get § 87(2)(b) to put his hands down. PO Noor admitted that he pushed § 87(2)(b) after § 87(2)(b) continued to advance towards him in a combative stance.

PO Rivas (Board Review 11) stated § 87(2)(b) and § 87(2)(b) ran towards § 87(2)(b). PO Rivas told § 87(2)(b) to not go towards § 87(2)(b) and held her hand. PO Rivas instructed § 87(2)(b) to hold § 87(2)(b). A crowd began to form, and PO Rivas shifted her attention to crowd control. PO Rivas did not know what § 87(2)(b) and § 87(2)(b) were doing at this time because they were behind her. PO Rivas did not remember if any officers took out their asp or struck § 87(2)(b) with an asp.

PO Zafar (Board Review 20) stated that after § 87(2)(b) stood up from the ground he spat at the PO Adam and PO Noor. PO Zafar did not know how PO Adam and PO Noor reacted to being spat on. § 87(2)(b) grabbed § 87(2)(b) and held her close to him. § 87(2)(b) threw a punch at PO Adam and PO Noor while holding the § 87(2)(b) up. PO Zafar felt § 87(2)(b) used § 87(2)(b) as a human shield from officers from grabbing him. PO Zafar did not recall how many times § 87(2)(b) tried to punch PO Adam and PO Noor. PO Zafar observed either PO Adam or PO Noor take out his asp. PO Zafar did not remember if the officers took out their asps before or after § 87(2)(b) attempted to punch

them. PO Zafar did not remember if any officers struck § 87(2)(b) with their asp.

According to TRI § 87(2)(b) (Board Review 24), § 87(2)(b) resisted PO Adam and PO Noor's attempt to place him under arrest by taking a fighting stance, pushing, shoving, and spitting at officers. PO Adam and PO Noor conducted a takedown of § 87(2)(b) to the ground to place him under arrest. § 87(2)(b) had an abrasion, laceration to the left ankle and knee and complained of back pain.

According to PO Adam's first BWC video (board review), at timestamp 3:41, § 87(2)(b) calls PO Adam and Noor an idiot and says he is not going anywhere. PO Adam tells § 87(2)(b) that no one is taking him anywhere. At timestamp 4:15, § 87(2)(b) says he needs § 87(2)(b) to hurry to the location. § 87(2)(b) tells PO Adam, "Watch this.", multiple times. At timestamp 4:35, § 87(2)(b) tells PO Adam, "It's going to get worse. It's going to get worse. I'm not stopping yet" At timestamp 4:50, § 87(2)(b) tells § 87(2)(b) to call § 87(2)(b) on his cellphone to hurry to the location because he is "planning something". At timestamp 05:39, § 87(2)(b) tells PO Adam to suck his dick and that he has no respect for him. At timestamp 6:08, § 87(2)(b) tells PO Adam that he will put on a show, and that it is not "over". At timestamp 6:21, PO Noor hands § 87(2)(b) his summons. PO Adam tells § 87(2)(b) to have a nice night and walks to his patrol vehicle.

According to PO Adam's second BWC video (Board Review 3), which picks up immediately after the end of his first BWC, (Board Review 3), the officers are at their patrol vehicle. At timestamp 0:03, § 87(2)(b) walks towards the officers. At timestamp 00:19, PO Noor holds his asp. § 87(2)(b) tells PO Noor "Suck my dick". At timestamp 00:23, § 87(2)(b) waves at § 87(2)(b) and tells her to bring § 87(2)(b) to him. At timestamp 00:26, § 87(2)(b) lunges his upper body with squared shoulders, while he feet remains planted in place, at PO Adam. § 87(2)(b) tells PO Adam, "Don't run, stupid!" PO Adam takes out his asp. At timestamp 00:31, § 87(2)(b) grabs the front of § 87(2)(b)'s jacket and restrains her close to his body. At 00:33, § 87(2)(b) takes one step and lunges his head forward and shoulders squared at PO Noor. PO Noor puts one arm in front of himself, and § 87(2)(b) moves back slightly and returns to his initial position with shoulders squared and hard forward, still holding § 87(2)(b) closely to his body. At timestamp 00:37, PO Noor pushes § 87(2)(b) and he stumbles backwards. At timestamp 00:43, § 87(2)(b) spits at officers and restrains § 87(2)(b) in a way that her zipped jacket is pulled halfway up her body. PO Noor instructs § 87(2)(b) to stand back. § 87(2)(b) approached PO Adam and PO Noor, and repeatedly says to the officers, "Suck my dick." At timestamp 00:48, PO Noor pushes § 87(2)(b) back. § 87(2)(b) drags § 87(2)(b) by the jacket, walks towards PO Noor and PO Adam. § 87(2)(b) stands in between § 87(2)(b) and PO Adam. At 00:54, PO Adam BWC drops after bumping into § 87(2)(b).

According to NYPD Patrol Guide Procedure 221-01 (Board Review), officers are allowed to use force "to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available. The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

From the BWC video obtained (Board Review 3), § 87(2)(b) called § 87(2)(b) to bring § 87(2)(b) and § 87(2)(b) to the location for the purpose of making a scene. When § 87(2)(b) arrived with the children, § 87(2)(b) grabbed § 87(2)(b). § 87(2)(b) attempted to assault and spat on officers. § 87(2)(b) spat at and lunged his upper body with shoulders squared at PO Noor while violently restraining a child. § 87(2)(g) PO Noor created space between himself and § 87(2)(b) by extending his arm in front of his body and pushed § 87(2)(b). § 87(2)(b) stumbled but did not fall to the ground as a result PO Noor's action.



§ 87(2)(g)

§ 87(2)(b) testified that, PO Adam and PO Noor struck him with an asp at various parts of his body, including the back, resulting in bruises. According to PO Adam's BWC video (Board Review 3), which captured footage at the time § 87(2)(b) alleged that he was struck by officers did not show how officers used their batons because the BWC fell off his uniform. PO Noor did not record BWC video at the time § 87(2)(b) alleged that he and PO Adam struck him with their asps.

§ 87(2)(g)

**Allegation (I): Police Officer Ibrahim Adam restricted § 87(2)(b)'s breathing.**  
**Allegation (J): Police Officer Ibrahim Adam struck § 87(2)(b) with a nightstick/asp/baton.**  
**Allegation (K): Police Officer Abir Noor used physical force against § 87(2)(b)**

§ 87(2)(b) (Board Review 1) and § 87(2)(b)'s statements (Board Review 2) were mostly similar. § 87(2)(b) stated that he dropped himself and § 87(2)(b) to the ground after PO Adam and PO Noor struck him with their asp to protect § 87(2)(b). § 87(2)(b) was on top of § 87(2)(b) and stated that the fall might have hurt § 87(2)(b)'s back. § 87(2)(b) rolled onto his buttocks and sat on the ground with his legs straight out. § 87(2)(b) sat in between his legs. Both § 87(2)(b) and § 87(2)(b) stated that PO Adam grabbed § 87(2)(b) by the hood of his sweater and pulled it behind him. § 87(2)(b) stated that the fabric of the sweater was pulled against his neck and that it was choking him but that he could not elaborate on that because his focus was on § 87(2)(b). PO Adam pulled on § 87(2)(b)'s sweater so forcefully that the front side of his sweater ripped open. § 87(2)(b) stated that § 87(2)(b) resisted the officers by "aggressively and forcefully" shrugging his right shoulder to get PO Adam off his sweater. § 87(2)(b) did not strike any of the officers. PO Noor attempted to restrain § 87(2)(b) by his legs but because of how he and § 87(2)(b) sat, PO Noor stepped on § 87(2)(b)'s legs instead. § 87(2)(b) was adamant PO Noor did not purposely step on and did know he stepped on § 87(2)(b)'s legs due to the pace of the incident. § 87(2)(b) and § 87(2)(b) stated that PO Adam hit § 87(2)(b) with his asp again and he rolled on top of § 87(2)(b) to protect her. PO Noor pulled § 87(2)(b) from § 87(2)(b)'s arms. PO Adam, PO Noor, PO Borbee and PO Dunne applied handcuffs on § 87(2)(b).

PO Adam (Board Review 6) and PO Noor's (Board Review 7) statements were mostly consistent. The officers did not recall any officers pulling on § 87(2)(b)'s sweater in a manner that could have restricted his breathing. PO Noor used his arms to bring § 87(2)(b) to the ground. § 87(2)(b) resisted arrest by kicking and flailing his arms. PO Noor separated § 87(2)(b) by taking her from § 87(2)(b). PO Adam stated that he did not strike § 87(2)(b) at this time with an asp and did not recall if any other officer did. PO Adam stated that he does not recall any officers stepped on § 87(2)(b)'s leg. PO Adam grabbed § 87(2)(b)'s arms and did not making any other physical contact with § 87(2)(b)'s body. PO Noor placed § 87(2)(b)'s hands behind his back. PO Noor did not recall which part of § 87(2)(b)'s body he made physical contact with. Neither PO Adam nor PO Noor recall seeing any officer make physical contact with § 87(2)(b)'s neck. PO Adam did not recall if § 87(2)(b) complained about having difficulty breathing. PO Adam stated that officers stood § 87(2)(b) up from the ground immediately after he was handcuffed.

PO Borbee (Board Review 23) and PO Dunne's (Board Review 22) statements were mostly consistent. PO Borbee and PO Dunne stated that they assisted PO Adam and PO Noor in apprehending § 87(2)(b) by bringing § 87(2)(b)'s hands behind his back. § 87(2)(b) resisted by

flailing around, screaming, and kicking his legs. § 87(2)(b) stood up and laid down multiple times. PO Dunne and PO Borbee raised § 87(2)(b) to his feet by placing their hands under § 87(2)(b)'s armpits. PO Dunne did not recall if any officers took their asp out. PO Dunne did not believe § 87(2)(b) was struck with an asp PO Dunne did not recall seeing a female child at the location. PO Borbee and PO Dunne did not observe officers make physical contact with § 87(2)(b)'s neck at any time. PO Borbee stated that § 87(2)(b) complained of trouble breathing while on the ground, and that he was immediately helped up after he was handcuffed.

PO Rivas (Board Review 11) did not recall or observe how § 87(2)(b) was taken into custody. PO Rivas did not recall officers pulling on the back of § 87(2)(b)'s sweater. PO Rivas did not remember if § 87(2)(b) complained of having difficulty breathing at any time. PO Rivas did not know if any officers stepped on § 87(2)(b)'s leg. PO Rivas stated that she was tending to § 87(2)(b) during this part of the incident.

PO Zafar (Board Review 20) stated that he did not know if § 87(2)(b) resisted officers when they attempted to place him in handcuffs. PO Zafar did not observe any officers make physical contact with § 87(2)(b)'s neck region and PO Zafar did not know if § 87(2)(b) complained of having difficulty breathing at any time. PO Zafar separated § 87(2)(b) from § 87(2)(b) by grabbing and pulling both apart by the hands while PO Adam, PO Noor, PO Borbee and PO Dunne attempted to place § 87(2)(b) in handcuffs. PO Zafar did not remember if an officer stepped on § 87(2)(b)'s leg nor if he observed any physical injuries on her. After PO Zafar removed the § 87(2)(b) from § 87(2)(b) and she ran away. PO Zafar did not know where she went.

The investigation did not obtain § 87(2)(b)'s medical records because § 87(2)(b) did not return § 87(2)(b)'s HIPPA forms to the CCRB.

According to PO Adam's BWC video (Board Review 3), at timestamp 03:17, PO Zafar picks up PO Adam's BWC and re-attaches it to PO Adam. At this time, PO Adam holds § 87(2)(b) by the hood of his sweater. § 87(2)(b) sits still on the ground holding § 87(2)(b) between his legs. PO Adam does not pull on the hood. § 87(2)(b) did not appear to be in physical distress. At timestamp 3:54, § 87(2)(b) approaches § 87(2)(b) and sits with him with § 87(2)(b), § 87(2)(b) and § 87(2)(b) yell at officers throughout the video. At timestamp 4:35, PO Noor grabbed § 87(2)(b) and PO Zafar grabbed § 87(2)(b) from § 87(2)(b). § 87(2)(b) holds § 87(2)(b) and § 87(2)(b) and refuses to let go. At timestamp 4:45, PO Adam pulled on the collar on § 87(2)(b)'s t-shirt for approximately one second. At timestamp 4:48 PO Adam makes brief contact with § 87(2)(b)'s top shoulder area with an open hand. PO Adam, PO Noor, PO Borbee and PO Dunne turn § 87(2)(b) around to place handcuffs on him. § 87(2)(b) lays stomach side down and PO Adam place his hand on the back of his head for less than one second. At timestamp 5:02, an officer applies handcuffs on § 87(2)(b), § 87(2)(b) says he can't breathe. At timestamp 5:04, § 87(2)(b) lifts his right shoulder. PO Adam places his hand on § 87(2)(b)'s right shoulder. § 87(2)(b) tells the officers that he cannot breathe and that he has asthma. At timestamp 5:21, § 87(2)(b) yells that he cannot breathe seven times with a full voice. PO Noor, PO Borbee and PO Dunne picks up § 87(2)(b) off the floor.

§ 87(2)(b)'s claim that PO Adam pulled his hood so forcefully that his sweater ripped is contradicted by BWC video (Board Review 3) which showed that PO Adam did not forcefully pull on § 87(2)(b)'s hood, and that his sweater did not rip. Although § 87(2)(b) did not allege that his breathing was restricted when officers attempted to place him in handcuffs while he was on the ground, BWC video showed § 87(2)(b) complained of difficulty breathing when PO Adam, PO Noor, PO Borbee and PO Dunne attempted to apply handcuffs on him. § 87(2)(b) laid stomach side down. All the officers interviewed stated that no officer made physical contact with the § 87(2)(b)'s neck. BWC video showed PO Adam making physical contact with § 87(2)(b)'s top

shoulder and head with an open hand, each time for less than one second and did not suggest the potential for diaphragm compression. There is no clear evidence showing whether PO Adam restricted § 87(2)(b)'s breathing by applying pressure to his neck, and because § 87(2)(b) stated that he has asthma, § 87(2)(g)

§ 87(2)(g)

The BWC video (Board Review 3), which fully captured PO Adam's action after he reattached his BWC, captured § 87(2)(b) sitting on the ground holding § 87(2)(b) and § 87(2)(b). The video captured § 87(2)(b)'s slightly rolling to his side with both of his daughters in his hand. PO Noor and PO Zafar grab § 87(2)(b) and § 87(2)(b) from § 87(2)(b). Neither PO Adam or any other officer strike § 87(2)(b) at the time he alleged he was struck in the back and possibly head.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (L): Police Officer Ibrahim Adam did not obtain medical treatment for § 87(2)(b).**

**Allegation (M): Police Officer Abir Noor did not obtain medical treatment for § 87(2)(b).**

**Allegation (N): Police Officer Eric Borbee did not obtain medical treatment for § 87(2)(b).**

**Allegation (O): Police Officer Matthew Dunne did not obtain medical treatment for § 87(2)(b).**

§ 87(2)(b) stated (Board Review 1) that after he was handcuffed, PO Dunne and PO Borbee picked him up § 87(2)(b) off the ground and escorted him to a PSA 2 patrol vehicle. § 87(2)(b) told PO Borbee and PO Dunne that he could not breathe.

§ 87(2)(b) was not present for this part of the incident (Board Review 2).

Both PO Adam (Board Review 6) and PO Noor (Board Review 7) stated that they did not recall if § 87(2)(b) complained of any injuries or if § 87(2)(b) complained of any difficulty breathing at any time during the incident, nor if he told officers that he had any prior medical conditions. The officers did not recall if § 87(2)(b) had any apparent injuries. At the PSA 2 station house, PO Adam offered § 87(2)(b) medical attention as part of the protocol anytime force is used. § 87(2)(b) refused PO Adam's offer and told him that he did not have injuries. § 87(2)(b) signed the Medical Treatment Prisoner Report (Board Review 5) indicating his decision to decline medical attention. PO Adam called EMS anyways and § 87(2)(b) signed a document with EMS indicating that he did not want to be taken to the hospital. § 87(2)(b) told PO Adam that he did not have injuries at the station house. PO Noor was presented with PO Adam's BWC video (Board Review 3) at video timestamp 5:32. In the video, § 87(2)(b) states that he could not breathe. PO Noor stated that did not remember or hear § 87(2)(b) saying that at the time of the incident. PO Noor stated that he had "tunnel-vision" at that moment. Upon viewing the footage, PO Noor stated that he did not see any indication that § 87(2)(b) could not breathe beside § 87(2)(b)'s verbal complaints. PO Noor did not remember any attempts at repositioning § 87(2)(b) while § 87(2)(b) was on the ground. PO Adam stated that at the time, § 87(2)(b) kicked his legs and actively resisted by not giving officers his hands, upon viewing the same video footage.

PO Borbee stated (Board Review 22) that § 87(2)(b) said he couldn't breathe, more than once while he was on the ground. PO Borbee did not know how or if § 87(2)(b)'s breathing was restricted. § 87(2)(b) spoke with a full voice. PO Borbee immediately stood § 87(2)(b) up immediately after he was handcuffed. PO Borbee stood § 87(2)(b) up and he and PO Dunne walked him to a PSA 2 patrol van. § 87(2)(b) stated out loud multiple times that he had difficulty breathing. PO Borbee recalled § 87(2)(b) saying he had asthma. § 87(2)(b) repeatedly bent himself at his waist with his hands on his back. § 87(2)(b) did not say why he was bent over. PO Borbee felt that § 87(2)(b)'s stance was indicative to someone about to run. § 87(2)(b) requested an ambulance. PO Borbee did not call an ambulance for § 87(2)(b) because he was securing the scene and wanted to reevaluate § 87(2)(b) after the incident was secured. PO Borbee did not know if § 87(2)(b) was ever provided medical attention.

PO Dunne stated (Board Review 22) that after he picked up § 87(2)(b) his physical condition appeared normal. PO Dunne did not recall if § 87(2)(b) stated that he had trouble breathing or if he requested to have an ambulance called. PO Dunne stated that if a prisoner requested medical attention from officers, then an ambulance would be called for them. PO Dunne stated that when a prisoner states that they can't breathe, officers are to reposition the prisoner and ask if they want medical attention. PO Dunne was presented with his BWC (Board Review 3) at 1:20. In the video, § 87(2)(b) tells officers that he has asthma and that he can't breathe. § 87(2)(b) requested that PO Dunne call an ambulance. PO Dunne did not recall an ambulance for § 87(2)(b). PO Borbee stated that he did tell an officer to call an ambulance for § 87(2)(b) but he did not recall who.

According to § 87(2)(b)'s Medical Treatment of Prisoner Report (Board Review 5), § 87(2)(b) refused medical aid at the PSA 2 station house. The report noted § 87(2)(b) reported back and ankle pain.

According to PO Dunne's BWC video (Board Review 3), at timestamp 0:33, § 87(2)(b) says he can't breathe while being restrained by officers. PO Dunne picked up § 87(2)(b) off the ground. At timestamp 1:20, PO Dunne and PO Borbee escorted § 87(2)(b) to a police vehicle. § 87(2)(b) tells PO Dunne and PO Borbee that he is passing out and cannot breathe. PO Borbee tells § 87(2)(b) to stand up. PO Dunne tells § 87(2)(b) that he is fine and to "Stop it." At timestamp 1:27, § 87(2)(b) tells the police officers to call an ambulance. § 87(2)(b) tells the police officers that he cannot breathe and that he has asthma. PO Dunne tells § 87(2)(b) that they will call an ambulance when they get to the precinct. § 87(2)(b) requests an ambulance to be called immediately. PO Dunne says "Okay." At timestamp 1:41, § 87(2)(b) spits on the ground and wheezes. At timestamp 2:34 PO Dunne escorts § 87(2)(b) inside a marked NYPD van.

According to the NYPD Patrol Guide Procedure 210-04 (Board Review 25), officers are to request an ambulance and remove a prisoner to hospital directly from place of arrest when a prisoner in custody requires medical/psychiatric treatment.

Due to the emotionally charged aspect of the incident involving the welfare of a young child, it was plausible for PO Noor and PO Adam to not hear § 87(2)(b) say he could not breathe between the shouting from civilians and officers alike, and PO Adam and PO Noor's concentration on applying handcuffs on § 87(2)(b) while he and officers were engaged in the physical dispute on the ground.

§ 87(2)(g)

Both PO Borbee and PO Dunne acknowledge that they heard § 87(2)(b) complaining that he had

difficulty breathing multiple times and that he complained of having asthma. PO Borbee stated that medical aid was not provided to § 87(2)(b) at the time of his request because they needed to secure the scene. However, PO Dunne's BWC video (Board Review 3) showed that even after the scene was secured and § 87(2)(b) was brought to a patrol vehicle for transport, PO Borbee did not ever call an ambulance to the location for § 87(2)(b).

PO Dunne stated that he told an unidentified officer on scene to get medical aid for § 87(2)(b). PO Dunne's BWC video (Board Review 3), which captures PO Dunne and PO Borbee escorting § 87(2)(b) to a PSA 2 patrol van for transport did not capture PO Dunne asking any officers to get § 87(2)(b) medical aid. § 87(2)(g)

§ 87(2)(b) Under the NYPD Patrol Guide, the responsibility to call an ambulance for a prisoner lies directly with the member of service the request was directly made to. PO Borbee and PO Dunne should have called an ambulance for § 87(2)(b) at the location.

§ 87(2)(g)

**Allegation (P): Police Officer Ibrahim Adam spoke discourteously to § 87(2)(b)**

It is undisputed that § 87(2)(b) was transported to the PSA 2 station house and temporarily lodged inside a holding cell. It is disputed whether PO Adam spoke discourtesy with him.

§ 87(2)(b) stated (Board Review 1) he was lodged inside a holding cell at the PSA 2 station house. PO Adam and PO Noor came to § 87(2)(b)'s cell to process his release. When § 87(2)(b) placed on his shoes, PO Adam laughed, and said "It's funny how I whopped your ass in front of your daughter. I fucked you up with your daughter in your hands. I'm never going to forget that." § 87(2)(b) said to PO Adam that was going to be paying for everything that he did. PO Noor told PO Adam and § 87(2)(b) to calm down. § 87(2)(b) was in the holding cells for approximately ten minutes before he was released with a disorderly conduct summons.

PO Adam (Board Review 6) denied telling § 87(2)(b) "Isn't it funny how I whooped your ass in front of your daughter? I fucked you up with your daughter in your hands". PO Adam stated that after § 87(2)(b) was lodged in a cell, he told PO Adam that he was "having a bad day" and asked if PO Adam could show him leniency. PO Adam stated that he felt bad for § 87(2)(b) and used his discretion to issue § 87(2)(b) a summons for disorderly conduct and did not charge him for assault on police officers. PO Adam believed § 87(2)(b) "manipulated him" as he "knew ACS would get involved" since § 87(2)(b) endangered the welfare of his daughter. After § 87(2)(b) was released, he told PO Adam, "You fucked up, I'm about to get paid." PO Adam believed § 87(2)(b) "set him up" because once an individual receives a summons, they are allowed to sue an officer. PO Adam noted that § 87(2)(b) did file a lawsuit.

PO Noor (Board Review 7) stated that he did not interact with § 87(2)(b) at the stationhouse. PO Noor did not tell § 87(2)(b) "Isn't it funny how I whooped your ass in front of your daughter? I fucked you up with your daughter in your hand." PO Noor stated that officers did not interact with § 87(2)(b) at the station house.

The station house footage of the holding cell area obtained (Board Review 19) by the investigation did not capture § 87(2)(b) in the cells at the time he alleged.

§ 87(2)(g)



### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint in which he was a witness (Board Review 18).
- This is the first CCRB complaint § 87(2)(b) has been a party of.
- PO Adam has been a member-of-service for six years and has been a subject in ten CCRB complaints and forty-two allegations, none of which were substantiated. § 87(2)(g)
- PO Noor has been a member-of-service for six years and has been a subject in fifteen CCRB complaints and forty-nine allegations, none of which were substantiated. § 87(2)(g)
- PO Borbee has been a member-of-service for five years and has been a subject in eight CCRB complaints and twelve allegations, none of which were substantiated. § 87(2)(g)
- PO Dunne has been a member-of-service for ten years and has been a subject in two CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York ((Board Review 4) claiming physical and psychological injuries, damage to personal property, damage to reputation and credit, loss of earnings capacity and capability and seeking \$5,000,000,000 as redress. § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad: 15

Investigator:	Jeffrey Tsui Signature	INV Jeffrey Tsui Print Title & Name	03/30/2022 Date
Squad Leader:	<i>Simon Wang</i> Signature	IM Simon Wang Print Title & Name	03/30/22 Date
Reviewer:	 Signature	 Print Title & Name	 Date

